

REMARKS

Examiner Richard A. Booth is thanked for his attention to this application.

DETAILED ACTION**U.S.C. 102(b)**

Reconsideration of the rejection of Claims 35, 37, 39, and 41 are under 35 U.S.C. 102(b) as being anticipated by Ogura, U.S. Patent 5,780,341 is respectfully requested based on the following discussion.

The Examiner writes:

Ogura shows the invention as claimed including a split-gate flash memory cell 600d having a trench source with tilted walls comprising: a substrate having a source region (602,606-note that the source and drain are interchangeable by reversing the voltage polarities applied to the source and drain since the FET is a symmetric device); a split-gate flash memory cell on said substrate; a trench source in said source region; a gate oxide layer over the inside walls of said trench source; and a laterally enlarged diffused area 602,606 of said source region (see fig. 60 and its description).

Regarding claim 39, note that the implantation of the source is a process limitation which is not given patentable weight in a product claim.

Concerning claim 41, note that the enlarged diffused area spans more than one-half the width of the floating gate electrode.

The Applicants respond by having amended Claim 35, the independent claim, so that it no longer reads on Ogura and now accurately describes a structure formed by the parent process.

Claim 37 has been cancelled as being redundant.

Claim 39 has been cancelled as being a process claim.

Claim 41 is dependent on Claim 35.

35 U.S.C. 103(a)

Reconsideration of the rejection of Claims 36,38, and 40 under 35 U.S.C. 103(a) as being unpatentable over Ogura, U.S. Patent 5,780,341 is respectfully requested based on the following.

The Examiner writes:

Ogura is applied as above but fails to expressly disclose the depth of the trench, thickness of the gate oxide, or the angle at which the trench walls are tilted. With respect to these parameters, it would have been a function of routine experimentation to optimize these device parameters based upon a variety of factors, for instance, the desired degree of device integration, and would not lend patentability to the instant application absent the showing of unexpected results.

The Applicants respond that Claims 36, 38 and 40 are dependent on Claim 35.

Claim 40 has been amended to read "thermal oxide" and not "gate oxide".

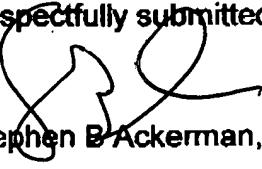
CONCLUSION

In light of the above amendments, it is suggested that the Claims now clearly distinguish the invention from the prior art. All claims are therefore believed to be in condition for allowance.

Allowance of all claims is therefore respectfully requested.

It is request that should Examiner Booth not find that the Claims are now Allowable that the Examiner call the undersigned attorney at 845-452-5863 to overcome any problems preventing allowance.

Respectfully submitted,


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